



THE LAW OFFICE OF  
AVRAM E. FRISCH LLC

New Jersey Office  
1 University Plaza  
Suite 119  
Hackensack, NJ 07601

New York Office  
150 Broadway  
Suite 900  
New York, NY 10038

Avram E. Frisch Esq. – Admitted in NY and NJ. Mail to NJ address.

May 31, 2024

Hon. Tonianne J. Bongiovanni  
United States Magistrate Judge  
District of New Jersey  
402 E. State St.  
Trenton, NJ 08608

**Via Electronic Filing**

Re: 1735 Jersey Ave. LLC v. Luxe Living LLC 3:24-cv-06175

Dear Judge Bongiovanni:

This firm represents Luxe Living LLC, defendant in this eviction matter that has been removed from the Superior Court of New Jersey, along with a companion matter filed initially in this Court by the Plaintiff, under Docket No. 3:24-cv-06168 seeking a money judgment against the Defendant and its sole member, Chaim Treitel under the same lease being enforced in this action.

As this case was originally commenced as a summary proceeding in State Court, the contract claims were not cognizable in the same action and required a separate action, where my client intends to also raise its substantial counterclaims. We now have two actions pending in the same court, before the same judges with differing deadlines and potentially disparate outcomes. Furthermore, the Plaintiff has filed a motion to remand this matter because it believes that eviction actions are not subject to diversity jurisdiction. That motion is pending, and a timely opposition will be filed. I am writing to request a conference to discuss the myriad procedural complexities raised by the posture of the two cases and to explore the potential consolidation of the matters so that they may be heard jointly. I have already been forced to file an answer in this action, while the answer in the 06168 action is only due in July, so my client has already been forced to undertake additional costs.

Very truly yours,

Avram E. Frisch

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«People\_Full\_Name»

Cc: Luxe Living LLC



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